

REMARKS

After entry of the amendment, claims 1-13, and 20-26 will be pending. Claims 14-19 have been canceled without prejudice or disclaimer, and new independent claims 21 and 22 added, along with dependent claims 23-26. Claims 1 and 11 have been amended. Claim 11 was objected to, but has been amended to resolve the issue.

Applicant affirms the election of Group I from restriction requirement. Without comment to the possible existence of multiple independent and/or distinct inventions, Applicants note that MPEP §803 states that even if two or more claim groupings are independent or distinct as claimed, there must also be a serious burden on the examiner to require restriction. If the search and examination of the entire application can be made *without serious burden*, the examiner must examine the entire application. See MPEP §803. Applicants respectfully request examination of the groups in the instant application because no serious burden has been shown.

All rejections to Claim 1 and its corresponding dependent claims are moot by virtue of amendment. The amendment finds support *inter alia* at page 11. Applicants submit that the Examiner is not giving proper weight to the double bead limitation. The Examiner admits that Engelaere does not teach or suggest a double bead. The entire width L of Engelaere is taken up by the bead 4. See Figs. 3 and 5 of the 290' Patent.

Applicants' specification at page 11 states that "[c]ompared with known sealing tools which seal over the entire width (13), the design with partial sealing surfaces achieves a higher sealing pressure per unit area for the same applied pressure." This was contrary to knowledge at the time, as DE 0.34133352 C2 taught that a reduced sealing surface could lead "possibly to an inadequate overall strength of the weld produced." *Id.* Yet, "[a]ccording to

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the present invention, adequate overall strength is achieved by the design of the sealing tool with two partial sealing surfaces. Not only greater strength, but also a better sealing effect is achieved through the parallel sealing beads (double bead)."

The Examiner submits that Varadarajan teaches double beads were well known, but Varadarajan does not mention reclosing or resealing, and thus had different concerns from the problem that Applicants, and even Engelaere, sought to address. The differences between Varadarajan's inner and outer beads are relevant:

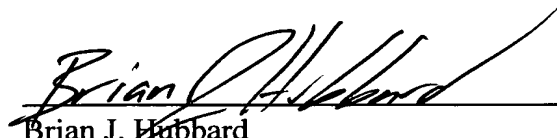
It has been discovered that the inner bead 36 of the double bead seal provides the primary resistance to tensile forces acting upon the container, such as those burst forces generated by changes in internal pressure during transport. However, the outer bead 38 provides the primary resistance to opening by peeling of the peelable heat seal formed between the lid 11 and the liner ply 14. As a result, it has been discovered that the heat seal is advantageously formed having a larger inner bead 36 and a smaller outer bead 38. "

'613 Patent, col. 7, line 55 – 63. These teachings are not similar to the problems solved by the claimed weak spots of the present invention. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also *suggests the desirability of the combination*. MPEP §2143.01. Thus, no permissible motivation exists to modify the container of Engelaere to have two beads.

If the Examiner has any questions, the Examiner is invited to call the undersigned.

Date: _____

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